

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ESTATE OF
ROGER D. OWENSBY JR., ET AL.,

Plaintiff,

V.

CITY OF CINCINNATI, ET AL.,

Defendants.

Case No. 01-CV-769

Senior Judge S. Arthur Spiegel

DECLARATION OF PAUL B. MARTINS

1. I, Paul B. Martins, am trial counsel for the Plaintiff in the above-captioned action.

2. After the April 29, 2004 Status Conference, I forwarded the handwritten note received from Defendants' counsel, Don Hardin, to Dr. Wecht for his review and comments.

3. On Monday, May 17, 2004, Dr. Wecht called me and said that he had reviewed the handwritten note. He stated that the notations were incorrect and further stated that portions of the note were medically impossible because Mr. Owensby did not have a "heart occlusion." Further, he stated that at no time did he say that punches could have caused the deep muscle hemorrhages over Mr. Owensby's shoulder blades. He again reiterated his opinion that punches would have caused bruising to the subcutaneous tissue and skin overlaying the deep muscle hemorrhages. Since there

were no such bruises, punches could not be the cause of the deep muscle hemorrhages.

4. Dr. Wecht also stated that he continues to stand by the opinions he has expressed in his August 8, 2002, August 14, 2002, and September 10, 2002 reports, as well as his February 25, 2004 testimony.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 20th day of May 2004.

/s/ Paul B. Martins